

D. N. UWY-CV14-6025333-S : **SUPERIOR COURT/CLD**
ROBIN SHERWOOD, ET AL : **J.D. OF WATERBURY**
V. : **AT WATERBURY**
STAMFORD HOSPITAL : **DECEMBER 19, 2014**

OBJECTION TO MOTION FOR ORDER

The Plaintiffs, **ROBIN SHERWOOD and GREG HOELSCHER** object to **Defendant, STAMFORD HOSPITAL'S** Motion for Order, dated December 3, 2014. Plaintiffs have been seeking meaningful discovery from Stamford Hospital in Farrell v. Johnson & Johnson, et al D.N.: X06 UWY-CV-11-6014102-S, for over two years regarding the transvaginal mesh products that it purchased and resold to unsuspecting patients, such as the Plaintiffs, that caused permanent and disabling injuries to these women and their spouses. There is no valid reason to seek a prospective order on this issue without knowing the substance of the testimony of the witnesses nor should the Defendant be permitted to reap the benefits of consolidation of cases when the Defendant objected to consolidation of cases and where no such consolidation exists.

Stamford Hospital refused to produce Ms. Cardiello for months after she was named as a one of several persons at Stamford Hospital who might have information material to this litigation and only last week agreed to produce Ms. Cardiello while

ORAL ARGUMENT NOT REQUESTED
TESTIMONY NOT REQUIRED
ASSIGNED FOR TRIAL: JANUARY 10, 2017

maintaining its position that the deposition applies to the Farrell and Sherwood cases.

In early March, 2014, Stamford Hospital agreed to produce for deposition Dr. Lance Bruck, employed by Stamford Hospital as the Chair of the Department of Obstetrics and Gynecology. For three months Stamford Hospital was unable to make Dr. Bruck available to Plaintiffs then advised Plaintiffs on June 6, 2014 that Dr. Bruck was no longer an employee of Stamford Hospital. It is disingenuous for Stamford Hospital to attempt to limit Plaintiffs' access to Dr. Bruck when it had ample time to prepare and produce him while he was still its employee. There is no valid reason to seek a prospective order on this issue without knowing the substance of Dr. Bruck's testimony.

Further, on September 15, 2014, Stamford Hospital represented in chambers that it would be willing to produce Ms. Cardiello for desposition. When Plaintiffs subsequently inquired as to Ms. Cardiello's availability, Defendant refused to produce Ms. Cardiello, or any other witness, without a stipulation that the depositions would cover all pending cases by Plaintiffs' firm with respect to vaginal mesh, claiming that this issue was discussed in Chambers. Plaintiffs' counsel has no recollection of discussing any stipulation and certainly never agreed to any such stipulation.

On October 30, 2014, Defendant again represented to Plaintiffs that it would be briefing this issue and required more time to do so. On November 11, 2014, Defendant had not yet filed any motions and Plaintiffs agreed to another two week extension of time. After two months of promises and extensions of time Stamford Hospital did not file any briefing on this issue. On November 25, 2014, the Court granted Plaintiffs' Motion to Compel Ms. Cardiello's deposition, Farrell, No. 494.10.

Stamford Hospital also claims that "[a]ll vaginal mesh cases in Connecticut which are pending in state court have been consolidated before this court." Defendant's Motion for Order, December 3, 2014 at 1. The Defendant is mistaken. This case is not consolidated with any other vaginal mesh case anywhere. Stamford Hospital seeks the benefits of consolidation after objecting to Plaintiffs' Motion to Consolidate the Farrell and Lemay cases,¹ and where no such consolidation exists. Defendant has not filed a Motion to Reargue this decision.

Wherefore, the Plaintiffs respectfully request that the Court sustain their Objection to Stamford Hospital's Motion for Order.

THE PLAINTIFFS,

¹ Plaintiffs subsequently withdrew their Motion to Consolidate on July 18, 2014.

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CERTIFICATION

This is to certify that a copy of the foregoing was Emailed this date, to all counsel of record.

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